



# PUBLIC NOTICE

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DA 04-955  
Released: April 5, 2004

## NOTICE OF STREAMLINED DOMESTIC SECTION 214 APPLICATION GRANTED

WC Docket No. 04-45

The application listed in this notice has been granted pursuant to the Commission's streamlined procedures for domestic section 214 transfer of control applications.<sup>1</sup> The Wireline Competition Bureau has determined that grant of this application serves the public interest.<sup>2</sup> For purposes of computation of time for filing a petition for reconsideration or application for review, or for judicial review of the Commission's decision, the date of "public notice" shall be the release date of this notice.<sup>3</sup>

1. Domestic Section 214 Application Filed for Transfer of Control of Allegiance Telecom, Inc. to XO Communications, Inc., WC Docket No. 04-45, Public Notice, DA 04-624 (rel. March 5, 2004).

**Effective Date of Grant:** 4/5/04

For further information, please contact Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, at (202) 418-1394 or Julie Veach, Competition Policy Division, Wireline Competition Bureau, at (202) 418-1558.

<sup>1</sup> 47 C.F.R. § 63.03.

<sup>2</sup> *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, CC Docket No. 01-150, Report and Order, 17 FCC Rcd 5517, 5529, para. 22 (2002). Only one commenter, Verizon, filed a comment in this proceeding requesting that the Commission condition grant of the transaction on the assumption of Allegiance's outstanding debt to Verizon upon assignment or transfer of service arrangements. Verizon Comments at 7. In response to Verizon's comments, Applicants filed a reply, in which they argue that Verizon's request is not ripe because the Bankruptcy Court has not yet ruled on the assumption and rejection process or issues and disputes arising from that process. Allegiance and XO Reply Comments at 5-7. Applicants also state that any dispute that did become ripe could be resolved by the Bankruptcy Court as part of the normal assumption-assignment process. *Id.* at 7. We reject Verizon's request because we conclude that it is not relevant to the merits of the transfer itself and is not actually ripe for resolution. We recognize that if such an issue of controversy arises between the Applicants and Verizon it is likely to be addressed by the Bankruptcy Court.

<sup>3</sup> *Id.*; see 47 C.F.R. § 1.4 (computation of time).